

REMARKS/ARGUMENTS

Claims 1-45 stand rejected in the outstanding Official Action. Claims 2, 6, 14, 17, 21, 29, 32, 36 and 44 have been amended and therefore claims 1-45 remain in this application.

The Examiner's indication that the originally submitted formal drawings are acceptable to the Patent Office is very much appreciated.

The specification is objected to with respect to the abstract of the disclosure and page 3 of the specification. Applicant has amended the abstract to delete the text "[Figure 6]" on line 12 in the above amendment. Applicant has also corrected the spelling of "recognises" and "initialisation" on lines 1 and 13 of page 3. In view of the above amendments, it is submitted that the amended specification meets all requirements of 35 USC §112 and any further objection thereto is respectfully traversed.

Claims 2, 14, 17, 29, 32 and 44 have been objected to based upon the British spelling of the word "initialisation." The only requirement of the Patent Office regarding the submission of English language specifications is that they be submitted in the English language. Applicant contends that the spelling of "initialisation" with an "s" is the correct English language spelling of the word. However, Applicant has amended each of these claims to read "initialization" as suggested by the Examiner.

Claims 6, 21 and 36 stand objected to, with the Examiner suggesting that the word "also" on line 2 of each of those claims should read "further." Applicant has amended these claims as suggested by the Examiner.

In view of the above amendments to claims 2, 6, 14, 17, 21, 29, 32, 36 and 44, these claims, and all other claims, are believed to meet all requirements of 35 USC §112 and any further objection thereto is respectfully traversed.

Claims 1-45 stand rejected under 35 USC §102(e) as being anticipated by Presley (U.S. 2003/0105838 A1). Applicant encloses herewith a Declaration under Rule 131 Swearing Behind the Presley reference filed on November 30, 2001. In the Declaration, in paragraph 2, the inventor confirms that he conceived the invention disclosed and claimed in the above application in the United Kingdom, a WTO country, prior to the filing date of the Presley reference. As support for the earlier conception and the constructive reduction to practice prior to November 30, 2001, Mr. Nedbal has attached as Exhibit 1 a copy of a patent application that was prepared on his behalf and that he reviewed prior to November 30, 2001.

The present application includes all of the description of the "prior application" and the claims in the prior application mirror the originally submitted claims in the present application. The prior application was filed in the United States Patent and Trademark Office on November 21, 2001 and was assigned Serial Number 09/989,131. Applicant filed a letter of express abandonment of the "prior application" on or about February 26, 2002 in order to prevent publication and shortly thereafter filed the present application on March 7, 2002 with an express request for no publication.

As a result, even though priority to the earlier filed U.S. application was not claimed, the existence of this filing in the U.S. Patent and Trademark Office nine days prior to the filing date of the Presley reference clearly establishes the prior inventorship of the invention disclosed and claimed in the present application by Mr. Nedbal. Mr. Nedbal's certification that Exhibit 1, the copy of the "prior application," and his certification that he reviewed this prior to November 30, 2001, confirms that he is the prior inventor. Inasmuch as Exhibit 1 attached to the Nedbal Declaration contains the complete description of Applicant's invention and is identical to the present application and also contains claims which are essentially identical to the originally filed

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claims in the present application, there is no further need to explain how Exhibit 1 demonstrates a conception and constructive reduction to practice prior to the Presley filing date of November 30, 2001.

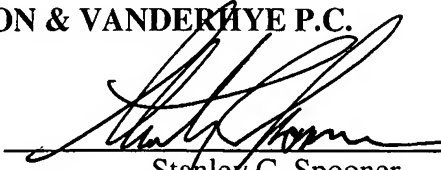
In view of the above, Presley is not available as a reference under 35 USC §102(e), since Mr. Nedbal, the current inventor, clearly invented his invention prior to the filing date of the Presley patent application. Accordingly, there is no further basis for rejection of claims 1-45 under 35 USC §102(e) as being anticipated by Presley. Inasmuch as Presley is the only reference applied against the claims, they are believed patentable thereover.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 1-45 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicant's undersigned representative.

Respectfully submitted,

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Enclosures: Declaration under Rule 131 w/ Exhibit 1